

REMARKS

Claims 1-11, 14, 15, and 17-21 are pending in this application. Claims 1, 7, 11 and 18 are the independent claims. Favorable reconsideration and allowance are respectfully requested.

Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent No. 5,001,738 to Brooks in view of U.S. Patent No. 6,320,934 to Carroll et al. and U.S. Patent No. 6,315,444 to Koren. Claims 7-10 were also rejected under § 103(a) as being obvious from Brooks in view of Carroll et al and Koren, claims 11, 14, 15 and 17 were rejected under § 103(a) as obvious from Brooks and Carroll; and claims 18-21 were rejected under § 103 as obvious from Brooks and Carroll. These rejections are respectfully traversed.

Applicants have in prior Amendments described in detail the salient features of the present invention, and explained how the invention is a significant departure from the prior. Those details will not be repeated now. Instead, in an effort to advance this case to allowance, Applicants will here provide a summary of the distinctions between the present invention and Brooks. Applicants respectfully point out that all of the pending claims recites:

The present claims relate to a system or method for positioning an electronic sensor in a patient's mouth. In the invention, a holder is bonded to the sensor (or to a sheath covering the sensor) as a part of the positioning process. Three important characteristics of the bonding are recited:

- WHEN the holder is bonded. Specifically, the holder is bonded just prior to positioning;
- WHO bonds the holder. Specifically, the holder is bonded by the dental practitioner; and

- HOW the holder is bonded. Specifically, the holder is removably bonded with a pressure sensitive adhesive.

All three of those characteristics are missing from Brooks.

In Brooks, The Holding Tab Is Bonded To The Film Packet During The Assembly Process, And Not Just Prior To Positioning

Brooks relates to a dental x-ray film holding tab and an alignment method.

Two separate processes are described in Brooks: an assembly process in which the holding tab is constructed and adhered to the film packet, and a separate alignment process in which the “film holder” (Brooks’ term for the assembled holding tab plus film packet) is positioned in the patient’s mouth. As will be readily appreciated, the gluing of the holding tab to the film packet is a part of the process of constructing the holding tab. It is not part of the alignment process, and the bonding does not take place just prior to positioning.

In Brooks, The Holding Tab Is Bonded By An Assembler, And Not By The Dental Practitioner

The process of constructing the film holder (i.e., tab plus film packet) in Brooks involves folding a starting structure to create the tab, and bonding the tab to the packet using the adhesive on the tab’s bottom. This process, as stated above, is separate and distinct from the positioning process, and nowhere does Brooks state that it is performed by a dental practitioner. To the contrary, because the bonding is done during assembly, and not just prior to positioning, it appears plain that the bonding is done by an assembler, and not a dentist.

In Brooks, The Holding Tab Is Bonded To The
Film Packet By A Permanent Bond, And Not By A Removable Bond

In Brooks, the holding tab is bonded to the film packet by the very same glue that bonds the tab's upstanding walls of the tab to one another. This glue, by necessity, must be a permanent glue, since to use an adhesive that creates a removable bond would allow those upstanding walls to shift. And a permanent bond is appropriate for the film-based system of Brooks, since after the film is exposed, the entire film holder is discarded. Thus, unlike as in the case of an electronic sensor, there is never any need to remove the tab from the film packet.

* * *

Because Brooks fails to disclose the features discussed above, and because those features are also neither taught nor suggested by the other art of record, Applicants respectfully request the Examiner to remove the Section 103 rejections and allow the pending claims.

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CONCLUSION

This Amendment After Final Action is believed to place clearly this application in condition for allowance. Therefore, its entry is believed proper under 37 C.F.R. § 1.116 and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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